



General Assembly

January Session, 2009

Committee Bill No. 6143

LCO No. 2947

02947HB06143HSG

Referred to Committee on Housing

Introduced by:
(HSG)

***AN ACT CONCERNING PROTECTIONS FOR A TENANT WHOSE
LANDLORD IS SUBJECT TO A FORECLOSURE ACTION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage and applicable to judgments of*
2 *foreclosure entered into on or after said date*) A judgment of foreclosure of
3 a mortgage on residential real property shall not terminate a rental
4 agreement that was entered into between the mortgagor and a tenant
5 prior to the commencement of the foreclosure action and no execution
6 of ejectment may be issued pursuant to section 49-22 of the general
7 statutes, as amended by this act, prior to the expiration of such rental
8 agreement and no summary process action may be commenced prior
9 to the expiration of such rental agreement on the grounds that the
10 tenant no longer has the right or privilege to occupy the premises as a
11 result of such judgment of foreclosure.

12 Sec. 2. Section 47a-20e of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective from passage and*
14 *applicable to judgments of foreclosure entered into on or after said date*):

15 (a) For purposes of this section and section 3 of this act:

16 (1) "Bona fide tenant" means a tenant who (A) is not the mortgagor
17 or owner of the property, and (B) entered into the rental agreement in
18 an arms-length transaction; and

19 (2) "Premises", "rental agreement" and "tenant" have the same
20 meanings as provided in section 47a-1.

21 (b) Whenever a mortgage or lien of residential real property has
22 been foreclosed and there is a bona fide tenant in possession on the
23 date absolute title to the property vests in the mortgagee, lienholder or
24 successor in interest, any execution of ejectment issued pursuant to
25 section 49-22, as amended by this act, against such tenant shall be
26 stayed and no summary process action pursuant to chapter 832 or
27 other action to dispossess such tenant shall be commenced until (1) in
28 the case of a written rental agreement entered into more than sixty
29 days before the commencement of the foreclosure action, the
30 expiration date contained in such rental agreement or sixty days after
31 the date absolute title vests in the mortgagee, lienholder or successor in
32 interest, whichever occurs first, or (2) in the case of a rental agreement
33 other than one described in subdivision (1) of this subsection, thirty
34 days after the date absolute title vests in the mortgagee, lienholder or
35 successor in interest, except that a summary process action or other
36 action to dispossess such tenant may be commenced prior to such date
37 for a reason set forth in section 47a-23 or 47a-31 other than for the
38 reason that the tenant no longer has the right or privilege to occupy the
39 premises as a result of such judgment of foreclosure.

40 Sec. 3. (NEW) (*Effective from passage*) (a) Whenever a mortgage or
41 lien of residential real property has been foreclosed and there is a bona
42 fide tenant in possession on the date absolute title to the property vests
43 in the mortgagee, lienholder or successor in interest, no summary
44 process action pursuant to chapter 832 of the general statutes may be
45 maintained by the foreclosing party and no execution of ejectment
46 pursuant to section 49-22 of the general statutes, as amended by this

47 act, against such tenant may be applied for by or issued to the
48 foreclosing party against such tenant except (1) for a reason set forth in
49 subsection (b) of section 47a-23c of the general statutes, or (2) on the
50 grounds that the foreclosing entity has entered into a bona fide
51 contract to sell the premises in which the buyer has required that the
52 building be vacant as a condition of the sale. Any dispute about the
53 amount of rent to be paid during this period of occupancy may be
54 resolved in accordance with subsection (c) of section 47a-23c of the
55 general statutes.

56 (b) The provisions of this section shall not be construed to reduce or
57 supersede the rights of a tenant under section 47a-20e of the general
58 statutes, as amended by this act, or to reduce or supersede the rights
59 of any tenant under section 47a-23c of the general statutes to remain in
60 occupancy without regard to foreclosure or any other law that protects
61 the right of a tenant to remain in occupancy without regard to
62 foreclosure.

63 Sec. 4. Subsection (a) of section 49-22 of the general statutes is
64 repealed and the following is substituted in lieu thereof (*Effective from*
65 *passage and applicable to judgments of foreclosure entered into on or after said*
66 *date*):

67 (a) In any action brought for the foreclosure of a mortgage or lien
68 upon land, or for any equitable relief in relation to land, the plaintiff
69 may, in his complaint, demand possession of the land, and the court
70 may, if it renders judgment in his favor and finds that he is entitled to
71 the possession of the land, issue execution of ejectment, commanding
72 the officer to eject the person or persons in possession of the land and
73 to put in possession thereof the plaintiff or the party to the foreclosure
74 entitled to the possession by the provisions of the decree of said court,
75 provided no execution shall issue against any person in possession
76 [who is not a party to the action] except a transferee or lienor who is
77 bound by the judgment by virtue of a lis pendens. The officer shall
78 eject the person or persons in possession and may remove such

79 person's possessions and personal effects and set them out on the
80 adjacent sidewalk, street or highway.

81 Sec. 5. (NEW) (*Effective from passage and applicable to judgments of*
82 *foreclosure entered into on or after said date*) Notwithstanding any other
83 provision of the general statutes, the holder of a first mortgage on real
84 property containing one or more dwelling units who has initiated an
85 action to foreclose the mortgage shall be responsible for making
86 emergency repairs to such real property during the pendency of the
87 foreclosure action if the owner of such real property fails to make the
88 repairs. The owner of the real property shall be liable to the entity
89 making the repairs for the cost of such repairs.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to judgments of foreclosure entered into on or after said date</i>	New section
Sec. 2	<i>from passage and applicable to judgments of foreclosure entered into on or after said date</i>	47a-20e
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage and applicable to judgments of foreclosure entered into on or after said date</i>	49-22(a)
Sec. 5	<i>from passage and applicable to judgments of foreclosure entered into on or after said date</i>	New section

Statement of Purpose:

To provide protections for a tenant whose landlord is being foreclosed upon.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. O'BRIEN, 24th Dist.

H.B. 6143